

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

CASCADE YARNS, INC., a Washington
Corporation

Plaintiff,

v.

KNITTING FEVER, INC., KFI, INC.,
DESIGNER YARNS, LTD., SION ELALOUF,
JAY OPPERMAN, DEBBIE BLISS,
EMMEPIEFFE SRL, and DOES 1-50,

Defendants,

v.

ROBERT A. DUNBABIN, SR., JEAN A.
DUNBABIN, ROBERT A DUNBABIN, JR.,
and SHANNON M. DUNBABIN,

Third Party Defendants.

NO. C10-861 RSM

ORDER GRANTING IN PART MOTION
FOR RELIEF FROM DEADLINES

THIS MATTER arises upon Plaintiff's Motion for Relief from Deadlines to Disclose Reports from Expert Witnesses and Bring Motions Related to Discovery. Dkt. # 994. For the reasons set forth herein, the Court GRANTS Plaintiff's motion in part.

Background

Following the dismissal of its claims in the instant suit ("*Cascade I*"), Plaintiff Cascade Yarns, Inc. ("*Cascade*") filed Case No. C13-0674 ("*Cascade II*") against Defendant Knitting Fever, Inc. ("KFI") for its alleged failure to properly identify the country of origin on certain

1 yarns that it sells. In light of Cascade's indication through a motion for relief from deadline filed
2 June 20, 2013 that it would seek to consolidate the two actions (*see* Dkt. # 950), the Court
3 refrained from setting a scheduling order in *Cascade II* at that time. On November 13, 2013, the
4 Court granted Cascade's motion to consolidate, struck the January trial date for KFI's claims in
5 *Cascade I*, and denied KFI's motion for relief from deadline to sever country of origin
6 counterclaims. Dkt. # 987. The Court's decision that consolidation was prudent was predicated
7 on Cascade's representation to the Court that doing so would cause "only a modest delay" and
8 would promote judicial efficiency. *See* Dkt. # 963, pp. 11-13; Dkt. # 987, p. 8. Following a status
9 conference and after the parties failed to comply with the Court's instruction to submit a Joint
10 Status Report (*see* Dkt. # 989), the Court entered a Scheduling Order on December 5, 2013,
11 setting trial date and related dates. Dkt. # 992. As indicated in its order granting consolidation,
12 the scheduling order set an expedited discovery schedule in light of the narrow discovery
13 necessary for Cascade's single claim and in an effort to conserve judicial resources that have
14 been over-extended in this long-protracted litigation.
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17 Cascade now moves the Court to substantially extend certain pre-trial deadlines and
18 strike all others pending a desired further status conference in March, 2014. *See* Dkt. # 994.
19 Cascade argues that it is being prejudiced in bringing its claim by the Court's expedited
20 discovery schedule in light of the "necessity of international discovery and depositions." *See*
21 Dkt. # 994, p. 2. Cascade moves the Court to continue both the November 20, 2013 deadline for
22 disclosure of expert reports and the December 20, 2013 deadline for discovery-related motions to
23 May 2014 "at the earliest." Dkt. # 994, p. 8. KFI agrees that extension of the expert report
24 deadline to late January and the discovery-related motions deadline to late February is
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1 appropriate. *See* Dkt. # 995. KFI disagrees that possible international discovery on the narrow
2 issues remaining necessitates vacating the scheduling order in its entirety. *Id.* at pp. 4-5.

3 Analysis

4 Federal Rule of Civil Procedure 16(b) provides that “a schedule shall not be modified
5 except upon a showing of good cause and by leave of the district judge.” To establish “good
6 cause,” parties seeking modification must generally show that they cannot meet the established
7 deadlines despite the exercise of due diligence. *Johnson v. Mammoth Recreations, Inc.*, 975 F.2d
8 604, 609 (9th Cir. 1992). The Court finds that good cause exists to extend the deadline for expert
9 witness report disclosures to January 24, 2014, as this deadline had already lapsed when the
10 Court’s December 5, 2013 Scheduling Order was entered. The Court further finds that good
11 cause follows to extend the discovery-related motions deadline in accordance with the expert
12 reports deadline and the Court’s standard scheduling practice to February 21, 2014.

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15 In light of Cascade’s representations to the Court about modest delay, the limited scope
16 of discovery remaining, and in accordance with the Court’s need to “secure the just, speedy, and
17 inexpensive determination of every action,” Fed. R. Civ. P. 1, and its “inherent authority to
18 control its own docket and calendar,” *Yong v. INS*, 208 F.3d 1116, 1119 (9th Cir. 2000), the
19 Court does not find that Cascade’s request to extend deadlines by nearly six months is
20 reasonable. Given the unproductive history of past scheduling conferences, the Court is also not
21 persuaded that a further scheduling conference will promote the efficient resolution of this
22 action. In accordance with Cascade’s request, the Court agrees to strike trial date and all other
23 pre-trial deadlines. The parties are directed to submit a new Joint Status Report by February 3,
24 2014 with an agreed-upon trial date and remaining pre-trial deadlines. If the parties fail to agree
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1 upon a pre-trial schedule, the Court will enter a new scheduling order in accordance with usual
2 practice with a firm trial and related dates.

3 Conclusion

4 For the foregoing reasons, it is hereby ORDERED that the Plaintiff's Motion for Relief
5 from Deadlines (Dkt. # 994) is GRANTED in part:

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- 7 1) The November 20, 2013 deadline set in this Court's December 5, 2013 Scheduling
8 Order is STRICKEN; reports from experts witnesses will be due January 24, 2014;
- 9 2) The December 20, 2013 deadline set in this Court's December 5, 2013 Scheduling
10 Order is STRICKEN; motions related to discovery must be filed by February 21,
11 2014 and noted on the motion calendar no later than the third Friday thereafter;
- 12 3) Trial date and all other pre-trial deadlines are STRICKEN.
- 13 4) The parties are directed to file a Joint Status Report by February 3, 2014. The Report
14 should address the status of discovery and include an agreed upon proposal for a new
15 trial date and related dates.
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18 Dated this 20th day of December 2013.
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21 RICARDO S. MARTINEZ
22 UNITED STATES DISTRICT JUDGE
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